



Delegated Report

Report to:	General Manager of Planning, Building and Development or Delegate
Date:	March 27, 2024 26CD-11-2022-001 Modification to Approved Draft Standard Condominium Plan 4735 Pettit Avenue and 6705 Cropp Street Agent: Upper Canada Consultants (William Heikoop)
Title:	Applicant: Winzen Niagara Homes Ltd (Raymond Zenkovich)

Recommendation

1. That subject to subsection 51(47) of the *Planning Act*, 1990 R.S.O., Council considers the changes requested by Winzen Niagara Homes Ltd. to the condition of approval for the Draft Plan of Standard Condominium at 4735 Pettit Avenue and 6705 Cropp Street to be minor and determine that no further notice is required;
2. That the modified Draft Plan of Standard Condominium be draft approved subject to the modified condition in Appendix A;
3. That modified draft approval be given for three years, after which approval will lapse unless an extension is requested by the developer and granted by Council; and,
4. That the Mayor and City Clerk be authorized to execute the Condominium Agreement and any required documents to allow for the future registration of the condominium when all matters are addressed to the satisfaction of the City Solicitor.

Executive Summary

Winzen Niagara Homes Ltd. is requesting a modification to an approved Draft Plan of Standard Condominium for a 1.9 ha parcel of land located at 4735 Pettit Avenue and 6705 Cropp Street. The standard condominium is draft approved to proceed in two phases. The modified condominium proposes to provide an additional phase to the second phase of the development. The modification does not propose to add, change, or alter the draft approved plan. The lands have received approval for a Zoning By-law Amendment and the first phase has been registered. The modified condominium application is supported for the following reasons:

- The proposed modification is technical in nature and will not change the unit count of the draft approved standard condominium plan;
- The development continues to comply with Provincial, Regional and City policies; and,

- The City's and external agencies interests will be continue to be addressed through the fulfillment of the conditions contained in Appendix A.

Background

Proposal

The applicant has applied for a modification to an approved Draft Standard Condominium plan for 4735 Pettie Avenue and 6705 Cropp Street (see Schedule 1). A zoning by-law amendment and draft plan of standard condominium was approved in May 2022 by Council.

The standard condominium is draft approved to proceed in two phases. The modified condominium proposes to provide an additional phase within the draft approved second phase of the development. The modification does not propose to add, change, or alter the draft approved plan. The lands have received approval for a Zoning By-law Amendment and the first phase has been registered.

Circulation Comments

The modification application was circulated to agencies who had draft plan conditions included as part of the approvals in May 2022 (Bell Canada, Enbridge, Municipal Works). The following comments were received:

- Municipal Works, Bell Canada, Enbridge
 - No objections, subject to the existing conditions being carried forward

Analysis

1. Provincial Policies

The *Planning Act* requires City planning decisions to be consistent with the Provincial Policy Statement and conform to the Provincial "A Place to Grow" Plan. The proposed development continues to be consistent and conform by satisfying provincial interests outlined in Section 2 of the Planning Act, being a more efficient use of land, and providing a wider range of housing for people of all ages, abilities, and incomes.

2. Regional Official Plan

The subject land is designated as Urban Area (Built-Up Area) in the Regional Official Plan. The proposed development continues to conform by contributing to the Region's residential intensification target within the Built-Up Area, utilizing existing municipal services, and by providing a range of housing options in the neighbourhood that will meet the needs of a variety of households, populations, and income groups.

3. Official Plan

The subject land is designated Residential – and within Special Policy Area 66 in the City's Official Plan, which permits up to 128 units per hectare (389 units) across 3.1 ha of land. The development contains 148 units and continues to comply with the intent of the Official

Plan. The development provides a variety of housing options in the neighbourhood, contributes to the City's annual residential intensification rate within the Built-Up Area, and makes efficient use of existing services.

4. Zoning By-law

The subject lands are zoned Residential Apartment 5D Density (R5-1178) zone, by Zoning By-law No. 79-200, as amended by By-law 2022-075. The development conforms to the site specific zoning for the property. Each phase will have the required amount of parking for the units contained within that phase (see Schedule 2).

5. Modified Condominium Conditions of Draft Plan Approval

The requested modified draft plan of standard condominium will continue to accommodate 148 dwelling units, comprised of stacked townhouse dwellings and back-to-back stacked townhouse dwellings, across three phases of development (see Schedule 3). The plan includes private common roads, 163 parking space units, and 15 visitor parking space units with access from Cropp Street and Pettit Avenue.

The first phase is registered and contains 74 dwelling units with 81 parking space units.

The modified second phase is subject to approval and contains 36 dwelling units with 49 parking space units.

The modified third phase is subject to approval and contains 40 dwelling units with 53 parking space units.

The draft approved conditions have been modified to apply to the modified draft plan of condominium. All other conditions are being carried forward.

The developer will be required to enter into a condominium agreement with the City for each phase. The agreement will address any necessary works and warning clauses. The modified condition has been bolded in Appendix A.

Financial Implications/Budget Impact

There are no financial implications or budget impacts.

Strategic/Departmental Alignment

The proposal contributes to Council's Strategic Priority of Financial Sustainability by redeveloping lands on existing services to promote sustainable fiscal practices.


Attachments

Schedule 1 – Location Map

Schedule 2 – Phasing and Parking Plan

Schedule 3 – Modified Draft Plan of Condominium

Appendix A - Conditions of Draft Plan Approval

Recommended by:  _____
Alexa Cooper, RPP, MCIP
Planner 2

Reviewed by:  _____
Andrew Bryce, RPP, MCIP
Director of Planning

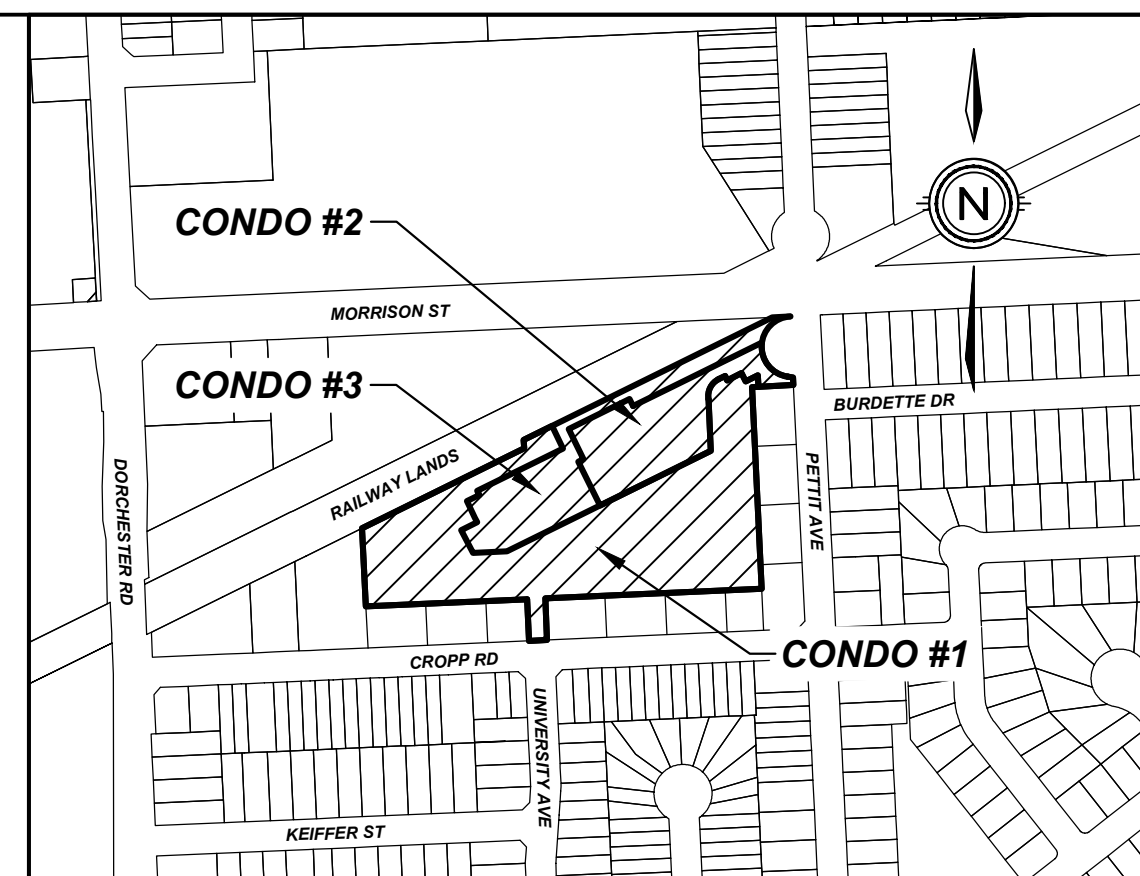
**SCHEDULE 1
(Location Map)**



CANNERY DISTRICT - PHASE 2 STANDARD CONDOMINIUM CITY OF NIAGARA FALLS

LEGEND

- CONDOMINIUM BOUNDARY LINES
- STANDARD CONDOMINIUM 1
- STANDARD CONDOMINIUM 1 - PHASE 1
- STANDARD CONDOMINIUM 1 - PHASE 2



KEY PLAN
N.T.S.

**STANDARD CONDOMINIUM 1
PHASING & PARKING PLAN**

**PARKING SCHEDULE - CONDO #1
(PHASE 1)**

NUMBER OF UNITS	72
PARKING REQUIRED (1.17 per residential stacked & back to back)	84
PARKING PROVIDED	81 spaces
• TENANT 72 spaces	
• VISITOR 9 spaces	

**PARKING SCHEDULE - CONDO #1
PHASE 1
(PHASE 2)**

NUMBER OF UNITS	36
PARKING REQUIRED (1.17 per residential stacked & back to back)	42
PARKING PROVIDED	49 spaces
• TENANT 38 spaces	
• VISITOR 11 spaces	

**PARKING SCHEDULE - CONDO #1
PHASE 2
(PHASE 3)**

NUMBER OF UNITS	40
PARKING REQUIRED (1.17 per residential stacked & back to back)	47
PARKING PROVIDED	53 spaces
• TENANT 40 spaces	
• VISITOR 13 spaces	

**PARKING SCHEDULE - CONDO #2
(STANDARD CONDO 2)**

NUMBER OF UNITS	82
PARKING REQUIRED (1.17 per residential unit)	96
PARKING PROVIDED (18 surface, 82 below)	100 spaces
• TENANT 82 spaces	
• VISITOR 18 spaces	

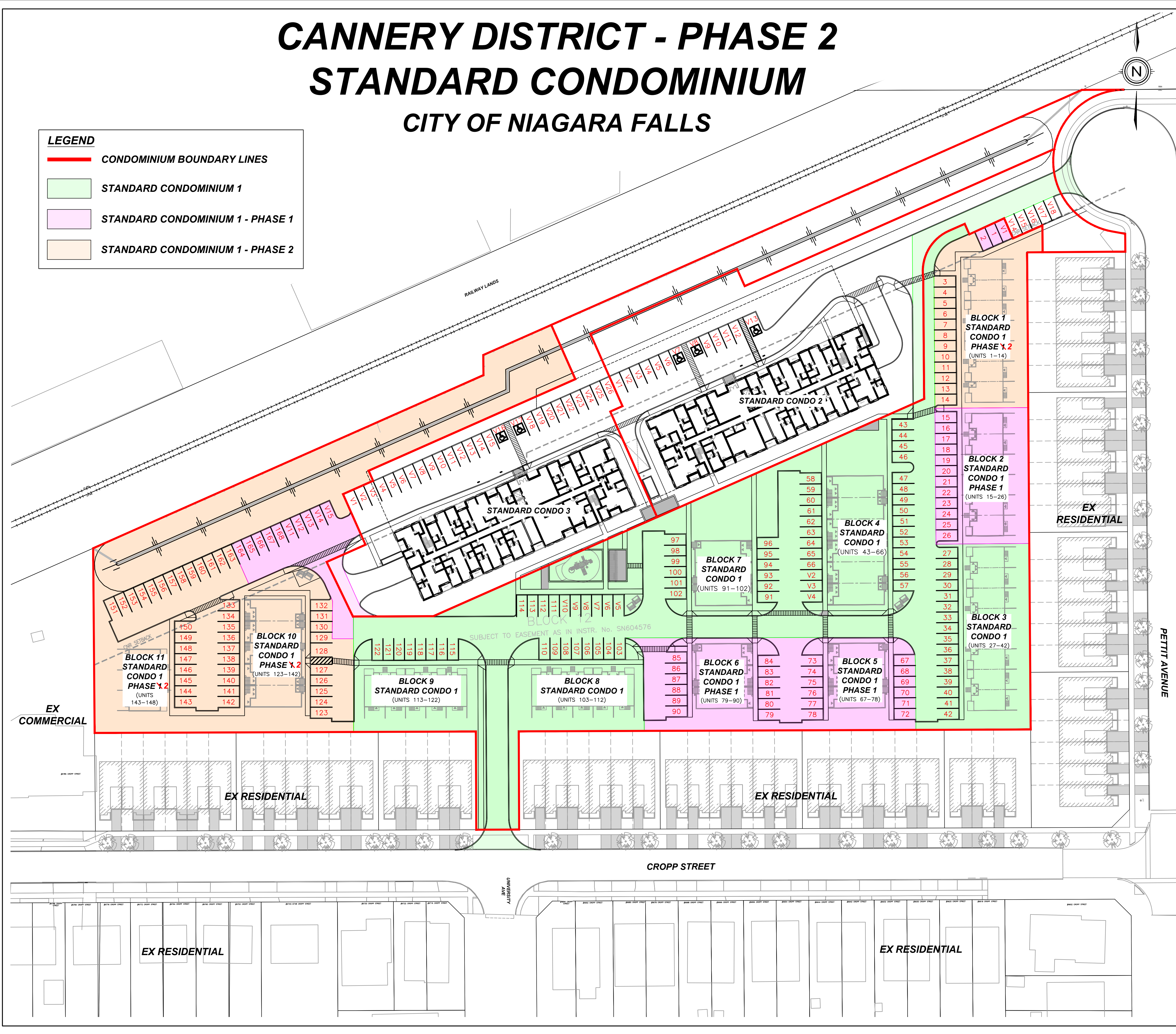
**PARKING SCHEDULE - CONDO #3
(STANDARD CONDO 3)**

NUMBER OF UNITS	82
PARKING REQUIRED (1.17 per residential unit)	96
PARKING PROVIDED (26 surface, 82 below)	108 spaces
• TENANT 82 spaces	
• VISITOR 26 spaces	

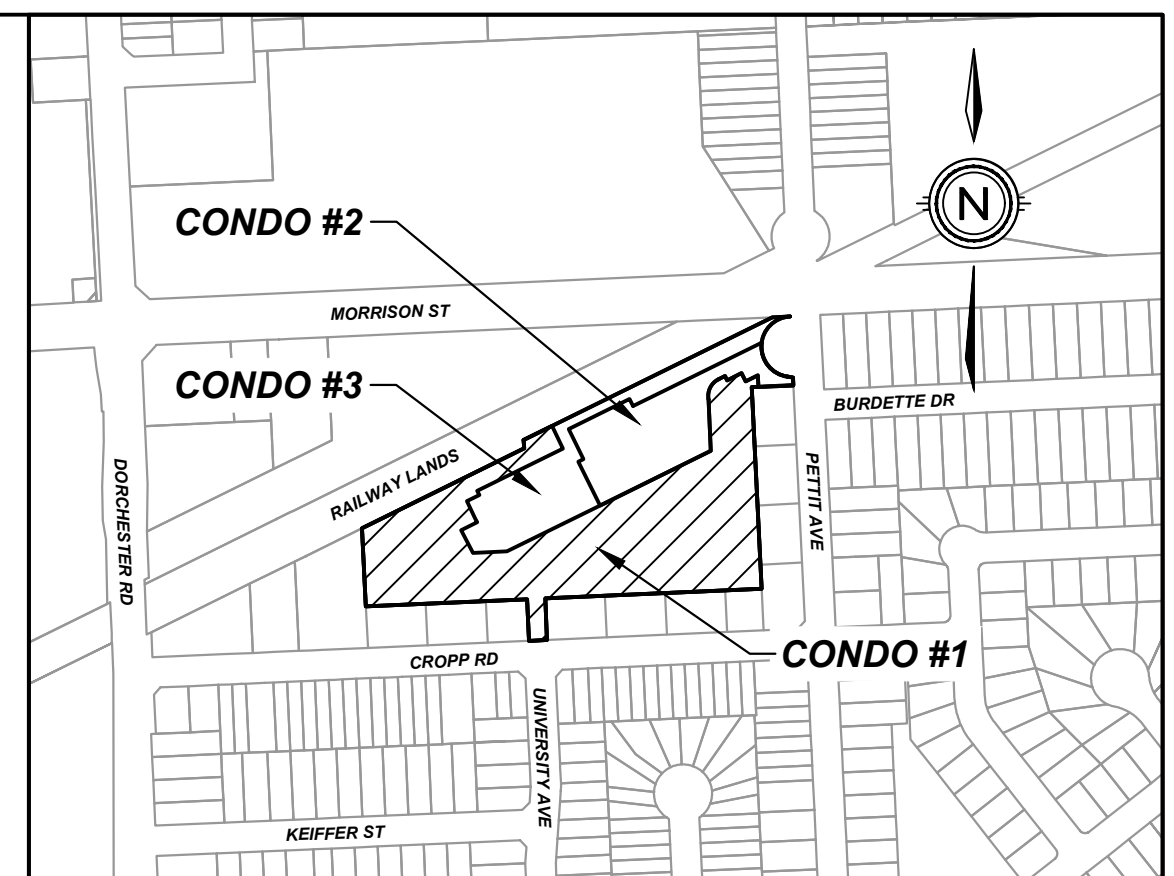
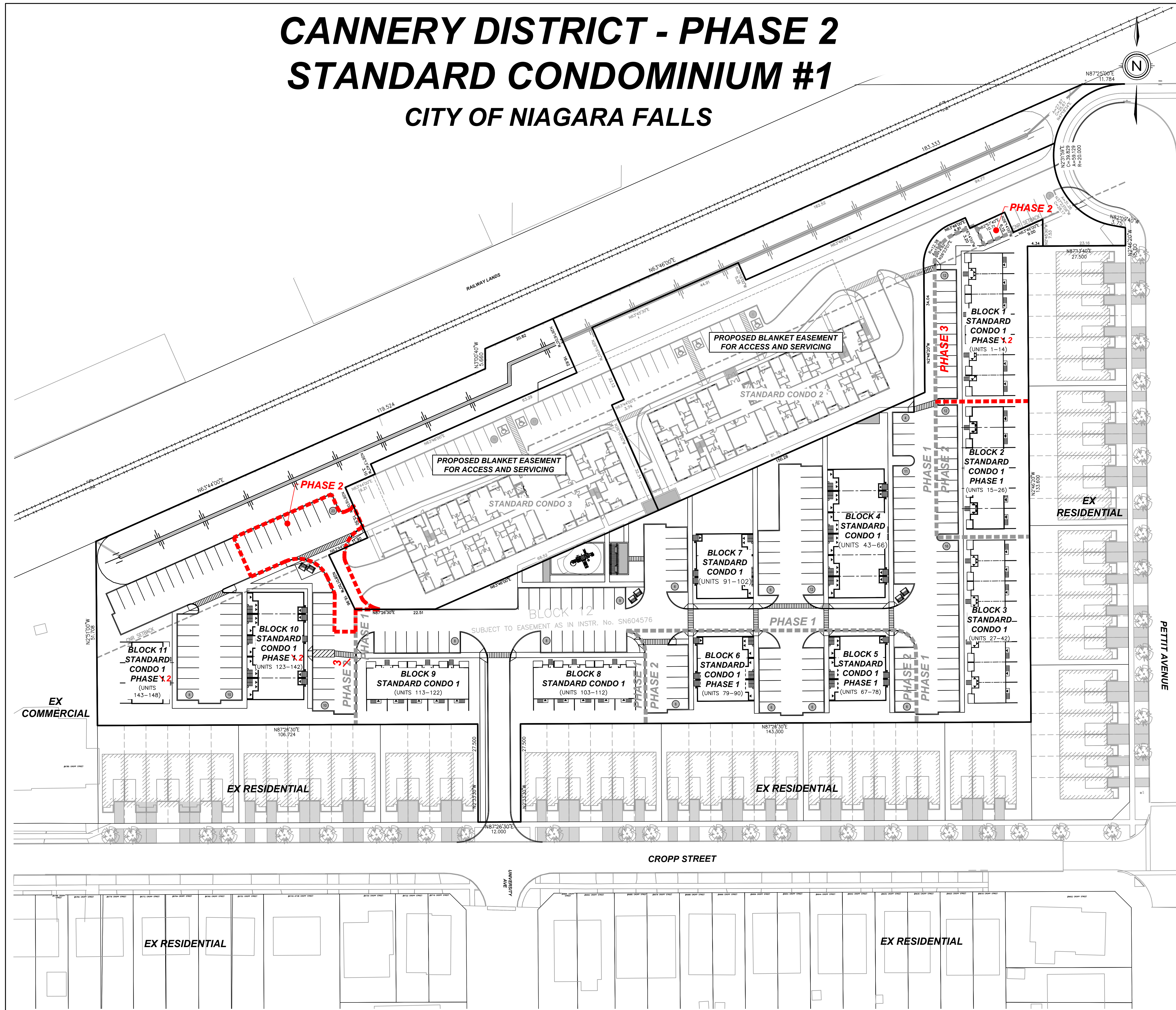
3	ADJUSTMENT TO PHASING BOUNDARY	2024-01-26	M.K
2	ADJUSTMENT TO CREATE PHASE 3	2023-11-17	M.K
1	PHASING PARKING CALCULATION AS PER CITY	2022-05-04	M.K
0	ISSUED FOR DRAFT APPLICATION	2021-12-09	M.K
#	REVISION	DATE	INIT



DRAWING TITLE PHASING & PARKING PLAN	DRAFTING	M.C./M.K.
	DATE	OCTOBER 21, 2021
	PRINTED	JANUARY 26, 2024
	SCALE	1:500
DWG No.	1768-PKG	REV
		3



CANNERY DISTRICT - PHASE 2 STANDARD CONDOMINIUM #1 CITY OF NIAGARA FALLS



KEY PLAN
N.T.S.

DRAFT PLAN OF STANDARD CONDOMINIUM

LEGAL DESCRIPTION

BLOCK 12, REGISTERED PLAN 59M-474
CITY OF NIAGARA FALLS
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE UPPER CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF CONDOMINIUM TO THE CITY OF NIAGARA FALLS FOR APPROVAL.

[Signature] OCTOBER 21, 2021
WINZEN NIAGARA HOMES LIMITED DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ARE CORRECTLY SHOWN.

[Signature] OCT. 25, 2021
J.D. BARNES LTD. DATE

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- a) SEE PLAN
- b) SEE PLAN
- c) SEE PLAN
- d) SEE PLAN
- e) SEE PLAN
- f) SEE PLAN
- g) SEE PLAN
- h) MUNICIPAL WATER
- i) SILTY SAND
- j) SEE PLAN
- k) FULL SERVICE
- l) SEE PLAN

LAND USE SCHEDULE - CONDO #1

	Ha	%
BUILDINGS	0.397	20.36
DRIVEWAY/PARKING	0.726	37.23
LANDSCAPING/OPEN SPACE	0.827	42.41
TOTAL	1.950	100.0
UNITS		148
DEVELOPABLE AREA = 1.950 ha.		
DEVELOPABLE DENSITY = 75.90u/Ha		
PARKING REQUIRED (1.17 per residential stacked & back to back)		
PARKING PROVIDED		173.16
		183 spaces

NO.	DESCRIPTION	DATE	BY
2	ADDED PHASING LINES	2024-01-26	M.K.
1	ADDED PHASING LINE	2022-05-04	M.K.
0	ISSUED FOR DRAFT APPLICATION	2021-10-21	M.K.
#	REVISION	DATE	INIT



DRAWING TITLE		DRAFTING		M.C./M.K.
DRAFT PLAN OF STANDARD CONDOMINIUM (CONDOMINIUM #1)		DATE	AUGUST 6, 2021	
		PRINTED	JANUARY 26, 2024	
		SCALE	1:500	
		DWG No.	1768-DP	REV
				2

APPENDIX A**Conditions of Draft Plan Approval for 26CD-11-2022-001**

1. Approval applies to the Draft Plan of Condominium prepared by **Upper Canada Consultants printed January 26, 2024**, showing 148 unit stacked and stacked, back-to-back townhouses as well as common element areas for private road and visitor parking.
2. The registration of the plan shall proceed in two phases to the satisfaction of the City. A separate Condominium Agreement will be required for each phase.
3. The developer enter into a condominium agreement with the City for each phase, to be registered on title, to satisfy all requirements, financial and otherwise, related to the division of the land.
4. The developer submits a Solicitor's Certificate of Ownership for the condominium land to the City Solicitor prior to the preparation of the condominium agreement.
5. The developer submits to the City all necessary drawings and information to confirm zoning and confirm substantial completion and certification of site works for each phase in accordance with the site plan agreement.
6. That the developer describes all required servicing and access easements in a registered instrument or shown on a registered or deposited plan.
7. The owner shall complete to the satisfaction of the Director of Engineering of the City of Niagara Falls and Canada Post:
 - a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i. That the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii. That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
 - b) The owner further agrees to:
 - i. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the condominium,
 - ii. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes,
 - iii. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan od subdivision, and

- iv. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office (s) showing specific Centralized Mail Facility locations.
 - c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.
8. The developer agrees in the Plan of Condominium (Standard) Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easement, the developer shall be responsible for the relocation of such facilities or easements.

Note: The developer is hereby advised the prior to commencing any work, the developer must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the developer shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the developer elects not to pay for the above noted connections, then the developer will be required to demonstrate to the satisfaction of the City that sufficient alternative communication/telecommunication will be provided to enable, at the minimum, effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services).

9. The Owner agrees to include the following warning clauses in any agreements of purchase and sale or lease for the specified units:
- a) For Blocks 1, 2, 10, and 11:
 - i. Purchasers and Tenants are advised that sound levels due to increasing road and rail traffic may occasionally interfere with some activities of the dwelling occupancies as the sound levels exceed the Municipality's and Ministry of Environment, Conservation and Park's noise criteria.
 - ii. Purchasers/Tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road and rail traffic may occasionally interfere with some activities of the dwelling occupants as sound levels exceed the Municipality's and Ministry of Environment, Conservation and Park's noise criteria.
 - b) For Block 1 end unit:
 - i. This unit has been supplied with a central air conditioning system which allows windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the noise criteria of the Municipality and the Ministry of the Environment, Conservation and Parks.
 - c) For Blocks 1 (other than end unit), 2, 9, 10, and 11:

- i. This dwelling unit has been fitted with an alternative means of ventilation and the ducting, etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and Ministry of the Environment, Conservation and Parks' noise criteria (Note: the location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with the criteria of MECP publication NPC-300 as applicable.).
- d) For Block 1 and 10:
- i. Purchasers/Tenants are advised that due to the proximity of this dwelling to the nearby railway tracks, vibration from rail pass-bys may occasionally be perceptible with this unit.
- e) All units:
- i. Purchasers are advised that due to the proximity of the existing commercial and retail facilities, sound levels from these facilities may at times be audible.
 - ii. CN Rail is satisfied with the noise report prepared by HGC Engineering dated December 12, 2020. However, the ground vibrations concerns must be addressed to the satisfaction of CN Rail.

Prior to granting approval to the final plan, Planning & Development requires written notice from applicable City Divisions and the following agencies indicating that their respective conditions have been satisfied:

- Legal Department for Condition 2 to 4, inclusive
- Planning Department for Condition 5
- Municipal Works for Condition 6
- Canada Post for Condition 7
- Bell Canada for Condition 8
- CN Rail for Condition 9